

REMARKS

Consideration of the application as further amended is respectfully requested. It is recognized that full consideration of this amendment, since it is presented after final action, is not a matter of right; however, the claims have been further amended to distinguish the subject matter thereof from the cited references (Giuliani and Michaels). The additional limitations were substantially the subject of previously presented dependent claims. Accordingly, it is requested that the amendment be entered and considered.

As indicated in the application, and as further discussed in the previous amendment, applicants' invention is an article for treatment of a specific physical condition known as xerostomia, the primary symptom of which is a lack of sufficient saliva in the oral cavity. This condition can be serious and has been difficult to effectively treat. Applicants have discovered that stimulating the tissues of the salivary member with a stimulator member having particular physical characteristics produces an increase in the flow of saliva. Stimulating the salivary member in such a manner has not been heretofore known. The apparatus is thus an effective tool in the treatment of xerostomia.

The examiner has cited Giuliani, which teaches a power toothbrush, including a driver for a brushhead, and Michaels, which shows a brushhead arrangement having bristles (projections) made from elastomeric material. The Michaels projections are indicated to be made from material which is soft and flexible. No specific information about the projection is provided, however. The Michaels device is taught as being useful for cleaning and polishing teeth as well as for massaging gums. Note that the dimensions of the individual projections are such as to fit into the interproximal areas of the teeth (col. 5, lines 21-31). Hence, the projections of the Michaels device define a toothbrush.

In applicants' invention, however, the stimulator element is not suitable for cleaning teeth. The stimulator element, as set forth in claim 1, comprises a plurality of cylindrical fingers, with rounded tops, with specific ranges of length and diameter and made from a material having a specific durometer range. The stimulator element will not fit into the interproximal areas of the teeth, and is thus not particularly suitable for cleaning teeth. The stimulator member is, however, particularly adapted for and suitable for

vibrating a salivary member to stimulate production of saliva.

Accordingly, there are significant structural differences between the claimed invention and the combination of Giuliani and Michaels. The differences between the claimed invention and the cited combination of references are not obvious. There is no reason nor is there any motivation to modify the Michaels brushhead to that of applicants' claimed device, since by doing so, the ability of the Michaels toothbrush to act as a tooth cleaning apparatus would be eliminated, which would be obviously contra to the basic purpose and function of the Michaels device. It would in effect no longer be workable.

It was the applicants who discovered that the particular claimed structure was effective in the stimulation of the salivary member to produce saliva. Without applicants' teaching, there is no reason or motivation to modify the Michaels structure. Without such reason or motivation, applicants' claimed structure is nonobvious over the Giuliani/Michaels combination.

Accordingly, allowance of the application is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned "Version with marking to show changes made".

Respectfully submitted,

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Enclosures: Claims, Postcard

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 1 has been amended as follows:

1. (twice amended) An article for use in treatment of xerostomia, comprising:

a driver assembly capable of producing a vibrating action at a drive frequency;

a stimulator assembly operatively connected to said driver assembly such that the stimulator assembly vibrates in response to operation of the driver assembly, the stimulator assembly including a stimulator member for vibrating a salivary member, wherein the vibration of the stimulator member has such a frequency and amplitude[,] and wherein the stimulator member is so configured and arranged, including a plurality of cylindrical finger elements having rounded top portions [having] with a selected [height] length within the range of 0.2-0.5 inches and a cross-sectional [area] diameter within the range of 0.06-0.25 inches and made from [a] an elastomeric material having a durometer in the range of 20-60 shore A, which is sufficiently flexible, resilient and soft, that when the stimulator member is brought into contact with the salivary member, a sufficient vibrational effect is produced on the salivary member that a significant increase in the saliva production into the oral cavity results.